

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #4	CCRB Case #: 201700839	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/31/2017 9:30 PM	Location of Incident: Southbound Beach 94th Street and Rockaway Freeway	Precinct: 100	18 Mo. SOL 7/31/2018	EO SOL 7/31/2018	
Date/Time CV Reported Wed, 02/01/2017 4:02 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/01/2017 4:02 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Timothy Terrillion	16714	952286	100 PCT
2. POM Patrick Reilly	16493	957993	100 PCT
3. SGT Anthony Guadagno	482	937872	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Timothy Terrillion	Abuse: Police Officer Timothy Terrillion threatened to arrest § 87(2)(b)	
B.POM Timothy Terrillion	Abuse: Police Officer Timothy Terrillion frisked § 87(2)(b)	
C.POM Timothy Terrillion	Abuse: Police Officer Timothy Terrillion searched § 87(2)(b)	
D.POM Patrick Reilly	Abuse: Police Officer Patrick Reilly interfered with § 87(2)(b)'s use of a recording device.	
E.POM Patrick Reilly	Abuse: Police Officer Patrick Reilly searched the vehicle in which § 87(2)(b) was an occupant.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On February 1, 2017, § 87(2)(b) filed this complaint with the CCRB by phone.

On January 31, 2017, at approximately 9:30 p.m., § 87(2)(b) was driving southbound on Beach 94 Street at Rockaway Freeway in Queens with his § 87(2)(b)-year-old daughter, § 87(2)(b) when he was pulled over by three officers, identified by the investigation at PO Timothy Terrillion, PO Patrick Reilly, and Sgt. Anthony Guadagno of the 100 Precinct, for a broken license plate light.

After running § 87(2)(b)'s license and registration information, PO Terrillion asked § 87(2)(b) to step out of his car. § 87(2)(b) refused to get out of the car and asked PO Terrillion why he was being asked to do so. § 87(2)(b) then instructed § 87(2)(b) to start filming the incident with her cell phone, which she did. PO Terrillion told § 87(2)(b) that if he did not get out of the car, he could arrest § 87(2)(b) (**Allegation A**).

PO Terrillion then allegedly opened § 87(2)(b)'s car door and pulled § 87(2)(b) out of the car. PO Terrillion patted § 87(2)(b) down (**Allegation B**) and allegedly searched inside § 87(2)(b)'s jacket pockets, pants pockets, waistband, genital area, and socks (**Allegation C**).

Meanwhile, PO Reilly asked § 87(2)(b) to get out of the front passenger seat of the car. As § 87(2)(b) was getting out of the car, PO Reilly allegedly pushed the cell phone that she was using to record the incident out of her hand, so that it fell onto the car floor and stopped recording (**Allegation D**). The phone sustained no damage.

PO Reilly then searched § 87(2)(b)'s car (**Allegation E**).

§ 87(4-b) § 87(2)(g)

PO Terrillion issued § 87(2)(b) a summons for a § 87(2)(b) (BR 01). No other summonses were issued and no arrests resulted from this incident.

§ 87(2)(b) provided a total of seven video clips taken via cell phone by § 87(2)(b) only two of which are relevant to the allegations and are provided below (BR 02 and BR 26). The original clips (BR 28 and BR 29) can be found in IAs 21 and 25. Their transcriptions (BR 30 and BR 31) can be found in IAs 35 and 38.



201700839_20170330_0912_DM.mp4



201700839_20170330_0913_DM.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this case.
- As of March 13, 2017, no Notice of Claim has been filed regarding this incident (BR 04).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint for § 87(2)(b) (BR 07).
- This is the first CCRB complaint for § 87(2)(b) (BR 08).
- PO Terrillion has been a member of the NYPD for five years. There are nine prior allegations against him stemming from three complaints, none of which was substantiated. § 87(2)(g)
- PO Reilly has been a member of the NYPD for two years. There are two prior allegations against him stemming from one complaint, neither of which was substantiated. PO Reilly's CCRB history is not indicative of a pattern applicable to this case.
- Sgt. Guadagno has been a member of the NYPD for 11 years. There are two prior allegations against him stemming from one complaint, none of which was substantiated. § 87(2)(g)

Findings and Recommendations

Allegations not pleaded

- **Stop** – § 87(2)(b) was issued summons § 87(2)(b). PO Terrillion provided a picture of the defective license plate light during his interview (BR 03). § 87(2)(g)
- § 87(2)(g)

Potential Issues

- § 87(2)(b) did not allege a frisk in any of the statements that he provided to the CCRB – only a search. PO Terrillion acknowledged that he did frisk § 87(2)(b) § 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Timothy Terrillion threatened to arrest

§ 87(2)(b)

It is undisputed that PO Terrillion, PO Reilly, and Sgt. Guadagno stopped § 87(2)(b) vehicle. § 87(2)(g)

On January 31, 2017, at 9:30 p.m., § 87(2)(b) (BR 09) was driving with his daughter, § 87(2)(b) who sat in the front passenger seat. They were going southbound on Beach 94 Street to get pizza, when he saw a black four door Impala signaling him to pull over, which he did immediately at the intersection of Beach 94 Street and Rockaway Expressway. PO Terrillion, PO

Reilly, and Sgt. Guadagno all approached his car, and PO Terrillion asked § 87(2)(b) for his license and registration, which he provided.

PO Terrillion, PO Reilly, and Sgt. Guadagno then went back to their car to run § 87(2)(b)'s information. After about three minutes, PO Terrillion, PO Reilly, and Sgt. Guadagno again approached § 87(2)(b)'s car. PO Terrillion went to the front driver's side door, PO Reilly went to the front passenger's side door, and Sgt. Guadagno stood next to PO Terrillion. PO Terrillion told § 87(2)(b) that he had a broken tail light and then asked § 87(2)(b) to get out of the car.

§ 87(2)(b) told PO Terrillion that he did not want to get out of the car and asked why he needed to do so if the only violation was a broken taillight. § 87(2)(b) also asked to speak with PO Terrillion's supervisor. Sgt. Guadagno answered that he was PO Terrillion's supervisor and told § 87(2)(b) that they had every right to ask § 87(2)(b) to get out of the car. § 87(2)(b) continued to refuse to get out of the car, and asked § 87(2)(b) to start filming the incident with her cell phone.

After asking § 87(2)(b) to get out of the car about six times, PO Terrillion asked § 87(2)(b) if he remembered him. § 87(2)(b) told PO Terrillion that he did remember him from when PO Terrillion arrested him in § 87(2)(b) (A BADS search confirmed that PO Terrillion arrested § 87(2)(b) on § 87(2)(b). § 87(2)(b) (BR 27)). PO Terrillion then threatened to arrest § 87(2)(b) if he did not get out of the car and for the § 87(2)(b) because he was § 87(2)(b)'s former arresting officer and because it was in his jurisdiction to do so. Although he refused to get out of the car, § 87(2)(b) said that his voice remained calm and that he kept his hands on the steering wheel at all times.

§ 87(2)(b) (BR10) confirmed § 87(2)(b)'s account of events with the following addition noted. She started recording the incident just before PO Terrillion allegedly threatened to arrest § 87(2)(b) by placing the phone face-down on her thigh.

A video clip (see above-referenced file labeled 201700839_20170330_0912_DM.mp4; BR 026) provided by § 87(2)(b) via email on February 2, 2017, captures the moment that § 87(2)(b) alleges that PO Terrillion threatened to arrest him.

The video is shot from an upward angle directed towards the front driver's seat. The camera seems to be located on or near the front passenger's seat. The front car windshield is visible in the upper left side of the frame. The video portion of the clip remains the same throughout filming.

At 00:00 seconds, PO Terrillion says, "I could arrest you. I could issue a summons, whichever one you want." § 87(2)(b) then says, "The summons is actually better but as far as arresting me, I haven't done anything wrong." PO Terrillion replies, "Well, actually, a summons is in lieu of arrest, so I don't even have to issue you a summons, I could arrest you for the brake lights." § 87(2)(b) then says, "I don't understand why you're gonna arrest me for the brake light

if I never even heard of that.” PO Terrillion replies, “Because I’m being a gentleman to you right now, but you’re the one that’s making it difficult.”

PO Terrillion (BR 11) was driving a black Ford Taurus northbound on Beach 94 Street with PO Reilly in the front passenger seat and Sgt. Guadagno in the back, when he saw § 87(2)(b) s car in front of him with a broken license plate. PO Terrillion signaled the car to pull over, and § 87(2)(b) complied without incident and stopped at the intersection of Beach 94 Street and Rockaway Expressway.

PO Terrillion, PO Reilly, and Sgt. Guadagno all exited their car. PO Terrillion went to the front driver’s side door, PO Reilly went to the front passenger’s side door, and PO Terrillion could not recall where Sgt. Guadagno went.

PO Terrillion asked § 87(2)(b) for his license and registration, and noted that § 87(2)(b) was acting irate by refusing to hand over his license and registration and speaking very loudly (when later asked how long it took § 87(2)(b) to give PO Terrillion his license and registration after it was requested, PO Terrillion stated that § 87(2)(b) did it right away). PO Terrillion added that § 87(2)(b) s hands were shaking but that he was able to see § 87(2)(b) s hands at all times and that § 87(2)(b) was not moving in any other way.

Having obtained § 87(2)(b) s license and registration, PO Terrillion, PO Reilly, and Sgt. Guadagno all went back to their car, where, upon closer inspection of § 87(2)(b) s license, PO Terrillion realized that he had arrested § 87(2)(b) previously for § 87(2)(b). PO Terrillion had not previously recognized § 87(2)(b). PO Terrillion also remembered that § 87(2)(b) was associated with the Hammel’s gang, which is a gang associated with a housing project in the area.

PO Terrillion then ran § 87(2)(b) s information through the computer system and found that there was an active order of protection in § 87(2)(b) s name that had been filed by a woman. PO Terrillion could not remember the woman’s name, but conjectured that she was an ex-girlfriend of § 87(2)(b) s. PO Terrillion could not recall any of the specific information that he obtained from the terminal regarding the order of protection. PO Terrillion apprised PO Reilly and Sgt. Guadagno of all of these facts while they were sitting in their car. At the time, none of the officers knew § 87(2)(b) s name or her relationship to § 87(2)(b) so they could not be sure if she was the woman who had filed the order of protection against § 87(2)(b).

PO Terrillion, PO Reilly, and Sgt. Guadagno all exited their car for a second time. PO Terrillion went to the front driver’s side door to talk to § 87(2)(b). Sgt. Guadagno stood behind PO Terrillion at the back driver’s side door, and PO Reilly went to the front passenger’s side door. PO Terrillion at this time noticed the smell of alcohol on § 87(2)(b) s breath and saw an orange prescription pill bottle standing upright in the center console, but could not see the contents of the bottle. PO Terrillion had not noticed the smell of alcohol during his first interaction with § 87(2)(b).

PO Terrillion then asked § 87(2)(b) to get out of the car, but § 87(2)(b) refused to get out of the car and did not move in any way. PO Terrillion asked § 87(2)(b) about two to three times

to get out of the car. § 87(2)(b) refused for about five minutes, at which point § 87(2)(b) opened his own door and exited the car without any assistance. Once § 87(2)(b) was out of the car, PO Terrillion told § 87(2)(b) that he recognized him in an effort to engage § 87(2)(b) in a conversation so that he could establish § 87(2)(b)'s level of sobriety based on his memory of past events, coherence, and any slurring of speech.

During this conversation, PO Terrillion explained to § 87(2)(b) that he could arrest § 87(2)(b) instead of issuing him a summons because that distinction is at the discretion of the officer, but PO Terrillion did not arrest § 87(2)(b) nor did he intend to do so at that time. § 87(2)(b) was speaking loudly but was otherwise behaving normally.

PO Reilly's statement (BR 12) was consistent with PO Terrillion's. However, PO Reilly was not able to hear PO Terrillion's conversation with § 87(2)(b) and at no point heard PO Terrillion speak with § 87(2)(b) regarding an arrest versus a summons.

Sgt. Guadagno's (BR 13) statement was generally consistent with PO Terrillion's with the following exceptions. When PO Terrillion, PO Reilly, and Sgt. Guadagno first approached § 87(2)(b)'s car, Sgt. Guadagno observed § 87(2)(b) moving around a lot by swiping his right thigh with his right hand and moving slightly up and down in the driver's seat. From where he was standing, behind PO Terrillion by the back driver's side door, Sgt. Guadagno could not see § 87(2)(b)'s hands.

While Sgt. Guadagno was back in their car with PO Terrillion and PO Reilly, PO Terrillion told Sgt. Guadagno and PO Reilly that he had smelled alcohol on § 87(2)(b)'s breath when he initially asked for his license and registration. PO Reilly then told Sgt. Guadagno that he saw a prescription pill bottle in the center console. PO Terrillion affirmed that he also saw an orange prescription bottle. Neither PO Terrillion nor PO Reilly were able to determine whether or not there were pills in the bottle because it was standing upright in the center console and partially obscured from view.

PO Terrillion explained to § 87(2)(b) that a summons is issued in lieu of an arrest while § 87(2)(b) was sitting inside the car. PO Terrillion told § 87(2)(b) that he was asking him to get out of the car because he smelled alcohol on his breath and the officers needed to assess his ability to drive.

Section 375.2 of the New York Vehicle and Traffic Law (BR 32) states that a vehicle must have, "if required to display a number plate on the rear, a white light which shall illuminate the numerals on such plate in such manner as to render such numerals legible for at least fifty feet from the rear."

N.Y.S. Criminal Procedure Law, Section 140.10 (BR 33) states that an officer may arrest a person for "any offense when he or she has reasonable cause to believe that such person has committed such offense in his or her presence."

Evans v. Solomon, 681 F. Supp.2d 233 (2010) (BR 34), established that when an officer has probable cause to believe that a traffic violation has occurred in the officer's presence, the officer can use his discretion to arrest the motorist, or issue a summons in lieu of arrest.

It is firmly established that § 87(2)(b) was stopped for having § 87(2)(b) (BR 03) and was issued a summons for the violation (BR 01).

§ 87(2)(g)

[REDACTED]

Allegation B – Abuse of Authority: Police Officer Timothy Terrillion frisked § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Timothy Terrillion searched § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) (BR 09) estimated that PO Terrillion asked him to get out of the car about four more times before he reached his hand into the car, unlocked the door from the inside, opened the door from the outside, and pulled § 87(2)(b) out of the car by grabbing § 87(2)(b)'s upper right bicep and forearm with both of his hands. § 87(2)(b) then stood by the front driver's side door. § 87(2)(b) was still in the front passenger seat of the car.

At the time, § 87(2)(b) was wearing a black and brown winter coat with a Gore-Tex like shell that was lightly lined, a black shirt, a black Yankees hat, black Jordan sneakers, and dark blue jeans. There was nothing in § 87(2)(b)'s pockets, as his wallet was in the center console and his keys were still in the ignition. There was nothing on his person that appeared puffy or like a bulge.

Once § 87(2)(b) was out of the car and standing beside the open front driver's side door, PO Terrillion immediately began to search him by first unzipping his jacket. PO Terrillion then put his hands around the inside of § 87(2)(b)'s pants and then shook his pants. PO Terrillion then returned his hand to the front of § 87(2)(b)'s pants and put his hand up to his wrist inside the front of § 87(2)(b)'s pants and touched his genital area but did not expose § 87(2)(b)'s underwear. PO Terrillion then put his hands inside § 87(2)(b)'s two outer chest coat pockets, two outer side pockets, two inner coat pockets, two front pant pockets, two back pant pockets, and then finally the ankle part of § 87(2)(b)'s socks.

Having completed the search, PO Terrillion told § 87(2)(b) to go to sit on the trunk of his car.

§ 87(2)(b) (BR10) was scared and focused on recording the incident so she did not witness PO Terrillion search § 87(2)(b) nor did she capture the search of § 87(2)(b)'s person.

PO Terrillion (BR 11) moved § 87(2)(b) so that § 87(2)(b) was standing in front of the back passenger seat and proceeded to frisk § 87(2)(b) by patting § 87(2)(b)'s jacket and pants pockets and putting his fingers around § 87(2)(b)'s waistband. PO Terrillion did not remember what § 87(2)(b) was wearing but noted that nothing on § 87(2)(b)'s person looked like it might be a weapon and he did not observe any bulges. The only reason that PO Terrillion frisked § 87(2)(b) was for officer safety. PO Terrillion only specified that he was looking for weapons and sharp objects that might pose a threat to § 87(2)(b) and the officers; he did not say why specifically he was concerned for anyone's safety. PO Terrillion had no further justification for frisking § 87(2)(b). The frisk lasted less than one minute, and § 87(2)(b) and PO Terrillion did not speak while PO Terrillion was frisking him.

After PO Terrillion frisked § 87(2)(b) he stayed at the back of the car with him and Sgt. Guadagno and continued to speak with § 87(2)(b) in a continued effort to determine § 87(2)(b)'s level of sobriety. None of the officers present conducted a field sobriety test.

PO Terrillion denied searching § 87(2)(b).

PO Reilly's statement (BR 12) was consistent with PO Terrillion's, with the following exceptions. PO Reilly was standing by the front passenger's side door and did not see PO Terrillion touch § 87(2)(b) in any way. PO Reilly did not see PO Terrillion frisk § 87(2)(b) or search § 87(2)(b). PO Reilly was also not able to hear PO Terrillion's conversation with § 87(2)(b).

Sgt. Guadagno's testimony (BR 13) was generally consistent with his fellow officers with the following exceptions. PO Terrillion asked § 87(2)(b) to get out of the car because he smelled alcohol on his breath and for general safety reasons. Sgt. Guadagno did not notice any signs that § 87(2)(b) possessed a weapon while he was in the car, but noted that it is impossible to know if someone has any weapons until a frisk has been completed. Sgt. Guadagno also noted that PO Terrillion told him that § 87(2)(b) was associated with the "Hammel" gang, so-called for the NYCHA Development in which they work, and that § 87(2)(b) had an extensive arrest history (a BADS search (BR 36) confirms that § 87(2)(b) has been arrested § 87(2)(b)). Sgt. Guadagno did not know the extent of § 87(2)(b)'s involvement with the gang or the details of his criminal history.

§ 87(2)(b) continued moving around a lot in the car as PO Terrillion was asking him to get out again by swiping his right hand across his right thigh and by sitting up slightly in the driver's seat and then back down repeatedly.

After § 87(2)(b) got out of the car, PO Terrillion gave him a "safety pat down" to make sure that there were no weapons on him. Sgt. Guadagno did not remember what § 87(2)(b) was

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Abuse of Authority: Police Officer Patrick Reilly interfered with § 87(2)(b)s use of a recording device.

It is undisputed that § 87(2)(b) left her phone in § 87(2)(b)s car when PO Reilly asked her to step out. § 87(2)(g)

§ 87(2)(b) (BR 10) was sitting in the front passenger seat when § 87(2)(b) exited the car and was filming the incident with her cell phone pressed against her thigh. PO Reilly was standing by the front passenger’s side door and, as § 87(2)(b) and PO Terrillion were speaking, PO Reilly asked § 87(2)(b) to get out of the car. § 87(2)(b) kept the phone pressed against her right thigh because she wanted to continue to record as much of the incident as possible. As § 87(2)(b) stood to get out of the car, PO Reilly placed his hand on the outer casing of the phone and knocked it from her hand. The phone fell on the front passenger’s side floor and continued to record for a few seconds before stopping. The phone sustained no damage.

§ 87(2)(b) (BR 09) did not see PO Reilly knock the phone out of § 87(2)(b)s hand.

A video clip (see above-referenced file labeled 201700839_20170330_0913_DM.mp4; BR 02) provided by § 87(2)(b) via email on February 2, 2017, captures the moment that the phone is left in the car.

At 00:00 seconds the screen is dark and PO Reilly can be heard saying, “Do me a favor. Step out for me real quick.” At 00:07 seconds, the screen blurs and then captures a spiral of images of the interior of the car as if the phone is falling down as it films. At the 00:11 mark the phone comes to a rest on an image of the front passenger’s side dash board and does not move again.

PO Reilly (BR 12) asked § 87(2)(b) to get out of the car because PO Terrillion asked him to do so after smelling alcohol on § 87(2)(b)s breath. § 87(2)(b) did not require any assistance getting out of the car. § 87(2)(b) deliberately left her cell phone in the car when she got out of the car. When asked if it was possible that he touched § 87(2)(b)s phone, he said that it might have been possible that he inadvertently touched it when she exited the car, but denied knocking it from her hand or causing it to fall in any way.

Neither PO Terrillion (BR 11) nor Sgt. Guadagno (BR 13) saw PO Reilly touch § 87(2)(b)s phone or observe him interfere with her recording of the incident in any way.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation E – Abuse of Authority: Police Officer Patrick searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that PO Reilly searched § 87(2)(b)'s car. § 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(b) (BR 09) sat on the trunk of his car and heard PO Reilly ask § 87(2)(b) to step out of the car. § 87(2)(b) exited and came to the trunk of the car and sat with § 87(2)(b) who was talking to PO Terrillion and Sgt. Guadagno. § 87(2)(b) was facing towards PO Terrillion and Sgt. Guadagno and away from the front of his car so he could not see what PO Reilly was doing specifically. However, § 87(2)(b) could hear car doors opening, beginning with the back passenger door and then the back driver's side door. Although § 87(2)(b) could not see what was going on, since he was sitting on the trunk, he could feel the car shifting as PO Reilly moved door and could sense that he was inside the car. § 87(2)(b) also heard the glove compartment open and close.

After PO Reilly finished searching the car, PO Terrillion told § 87(2)(b) and § 87(2)(b) go back into their car and wait, which they did. After about ten minutes, PO Terrillion came back, gave § 87(2)(b) a summons (BR 01) and told him that they could leave.

§ 87(2)(b) (BR 10) generally corroborated § 87(2)(b)'s story, although she stated that she was crying and was too upset to notice whether or not PO Reilly searched § 87(2)(b)'s car.

PO Reilly (BR 12) escorted § 87(2)(b) to the back of the car and asked her name to make sure that it did not match the name on the order of protection and to determine her relationship to § 87(2)(b). Having established that § 87(2)(b) was § 87(2)(b)'s daughter and not the woman who had filed the order of protection, PO Reilly went back to the front passenger's side door of the car. § 87(2)(b) sat on the trunk with § 87(2)(b) who was talking with PO Terrillion and Sgt. Guadagno. PO Reilly was not able to hear what they were saying from where he was standing.

PO Reilly noted that he had seen an orange prescription pill bottle standing upright in the center console of the car, but could not remember if he saw it before or after he asked § 87(2)(b) to get out of the car. PO Reilly described the pill bottle as about three inches tall with a

white cap, but could not determine what, if anything was inside because the bottom of the pill bottle was obscured from his view.

PO Reilly began to search the “lunge-able grab-able areas” of the car for intoxicants because he had seen the prescription pill bottle and because PO Terrillion had reported smelling alcohol on § 87(2)(b)'s breath. PO Reilly stated that searching for intoxicants was the only reason that he searched the car.

PO Reilly looked inside the center console area and the front passenger seat and looked in the back seat area with his flashlight but did not physically go into the back seat or open the trunk, nor did he recall opening the glove compartment. PO Reilly picked up the prescription pill bottle and saw that it was filled with coins and did not contain pills or narcotics of any kind.

PO Reilly then went to the back of the car where § 87(2)(b) and § 87(2)(b) were talking to PO Terrillion and Sgt. Guadagno. PO Terrillion and PO Reilly told § 87(2)(b) and § 87(2)(b) that they could go back to their car and, after PO Terrillion issued § 87(2)(b) a summons (BR 01) for the broken license plate light, § 87(2)(b) and § 87(2)(b) left the scene without further incident.

§ 87(2)(g)
§ 87(2)(b) Sgt. Guadagno specified that he did not instruct PO Reilly to search the car and that the reason for the search for intoxicants was because of the alcohol that PO Terrillion had smelled on § 87(2)(b)'s breath. Sgt. Guadagno did not smell any alcohol on § 87(2)(b)'s breath until he was speaking with § 87(2)(b) by the trunk of the car; he had not smelled any alcohol inside the car. Sgt. Guadagno did not see what areas PO Reilly searched. Sgt. Guadagno did not see the prescription pill bottle himself but recalled that both PO Terrillion and PO Reilly told him when they returned to the car to run § 87(2)(b)'s information that they had seen a bottle, though they had been unable to see the bottle's contents.

§ 87(2)(g)
§ 87(2)(b) PO Terrillion added that PO Reilly was searching the car for weapons in addition to other intoxicants, although PO Terrillion was not able to give a specific reason as to why there might have been any weapons in the car. PO Terrillion did not see what areas PO Reilly searched inside the car.

In People v. Martin, 50 A.D.3d 1169 (2008) (BR 25), the court held that an officer's detection of the odor of alcohol emanating from a car and the observation of a cup of alcohol in plain view provided probable cause for a vehicle search.

People v. Smith, 949 N.Y.S.2d 474 (2012) (BR 20), states that an officer can search a vehicle without a warrant if he has probable cause to believe that contraband, evidence of a crime, a weapon, or some means of escape lies therein.

According to People v. Derrell, 889 N.Y.S.2d 905 (2009) (BR 21), an officer may not search the area where an individual might gain possession of a weapon if the individual in question is in no position to obtain objects in that area of the car at the time of the search.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

§ 87(4-b) § 87(2)(g)

Squad: 4

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date